

CLOSURE PLAN

Solid Waste Transfer Station located on Old South Chapel Street



SOLID WASTE TRANSFER STATION CLOSURE PLAN

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Section 1 – Introduction

The City of Newark's (City) Department of Public Works and Water Resources is responsible for the collection and disposal of all solid waste (waste) generated by residents, businesses, and commercial industries located within the City limits. The City collects the waste on a predetermined schedule and until recently delivered this waste to the City's transfer station. At this station, the trucks dump their waste into a large hopper where the waste is further compacted before being loaded onto a larger tractor-trailer for permanent disposal at a solid waste landfill.

Located on a three acre site on Old South Chapel Street, the City's transfer station began operation in the mid - 1970 and has operated effectively since its opening with the exception of routine maintenance. Due to the age of the equipment in the facility and the close proximity of the Pine Tree Corners Transfer Station in Middletown, the City decided to permanently close the transfer station in 2014. Figure 1.1 shows the location of the transfer station.

The transfer station operates under a Solid Waste Management Permit (SW-99/04) issued by the Delaware Department of Natural Resources and Environmental Control (DNREC) division of Waste and Hazardous Substances. This letter report provides the necessary information required by DNREC for closure and cessation of the transfer station. As outlined in Section 10.6 of the Delaware Administrative Code, in order to close the transfer station the City must provide the following documents to DNREC for approval:

- Written Notification of Intent to Close
- Updated Closure Plan
- Closure Schedule

The City ceased using the transfer station in September 2013 and in November of 2013 informally notified DNREC of its intent to close the transfer station via letter. The letter, included as Appendix B of this report, stated that the City will submit the closure notice and plan in April 2014.



Figure 1.1: Location Map

Section 2 – Updated Closure Plan

The updated closure plan outlined in this section provides information on the methods, procedures, and processes for closure. Additionally, this plan contains a corresponding cost estimate, schedule, and post-closure care and use for the transfer station.

The first closure plan, submitted to DNREC in July of 2004 provided a brief overview of the means and methods that the City would employ to close the transfer station. At the time the letter was submitted, the City had no intention of closing the transfer station. This updated closure plan, which will be kept in the City's Municipal Services Building with the Department of Public Works and Water Resources, builds upon the previously submitted closure plan.

I. METHODS, PROCEDURES, AND PROCESSES FOR CLOSURE

The City will retain the services of a demolition contractor to demolish and remove all of the components used to compact and transfer waste located on the site. The following parts of this section describe the major components found on-site that will be modified or demolished, as necessary, to complete the closure of the transfer station.

A. UTILITIES

Currently, the transfer station contains electric, potable water, storm and sanitary sewer utilities in various degrees of operation. The layout and approximate location of each of these utilities is shown in Figure 2.1. Due to the proposed post-closure use, all of the existing utilities will be removed. Therefore, the City will disconnect and properly abandon existing utilities as further outlined in this section.

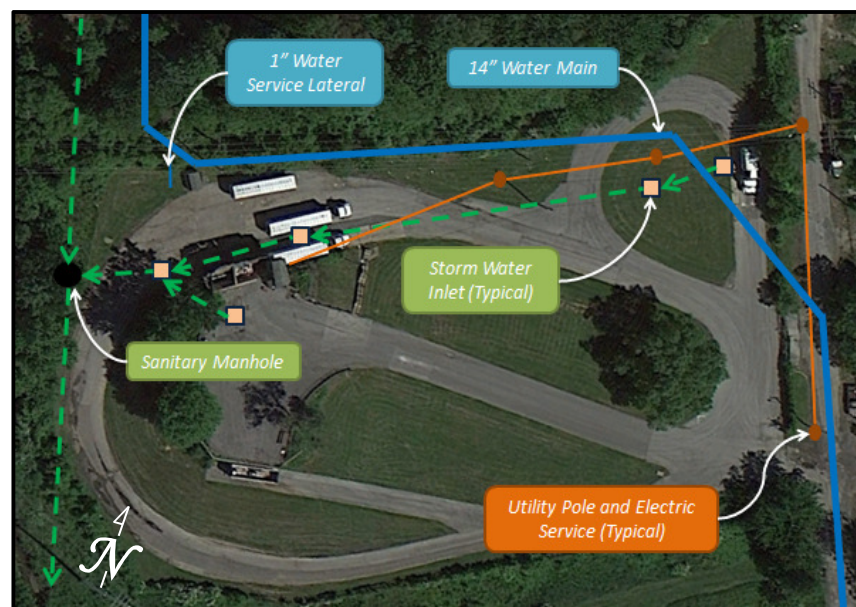


Figure 2.1: Existing Utility Location

i. Electric

Through the use of utility poles and overhead wires, electrical power provided by the City's electric department powered the drive on-scale, lights, operator's building, and trash compactor. Using in-house staff, the City will disconnect power at the junction pole located on Old South Chapel Street and remove all of the overhead wires and utility poles from the site.

ii. Water

A 14-inch transmission water main located in the cart path of Old South Chapel Street provides water to nearby residents as well as the transfer station. A one inch service lateral from the six inch main provides water to the transfer station through a hose bib connection on the north side of the site. Similar to the electric service, the water service will be disconnected by City personnel at the hose bib connection and buried four feet below grade. A metal stake protruding out of the ground four feet and painted blue will mark the location of the capped one inch lateral should the need arise for a future water connection.

iii. Storm and Sanitary Sewer

As a result of the hauling, compacting, and distribution of waste with varying degrees of materials and pollutants, the storm water system on-site was connected to the 14-inch gravity sanitary sewer interceptor located on the western edge of the transfer station facility. During demolition, the entire storm water system will be removed and disposed of at a landfill. The connection to the sanitary sewer system will be plugged from the inside of the manhole to ensure that sediment and ground water will not enter the sanitary sewer system.

B. EQUIPMENT

All of the equipment used to compact trash will be demolished and removed from the site. A specialty contractor selected through the City's purchasing department will complete the demolition and proper disposal of existing equipment. Figure 2.2 illustrates the equipment that will be demolished during this closure. The following paragraphs detail how demolition of the transfer station equipment will occur.

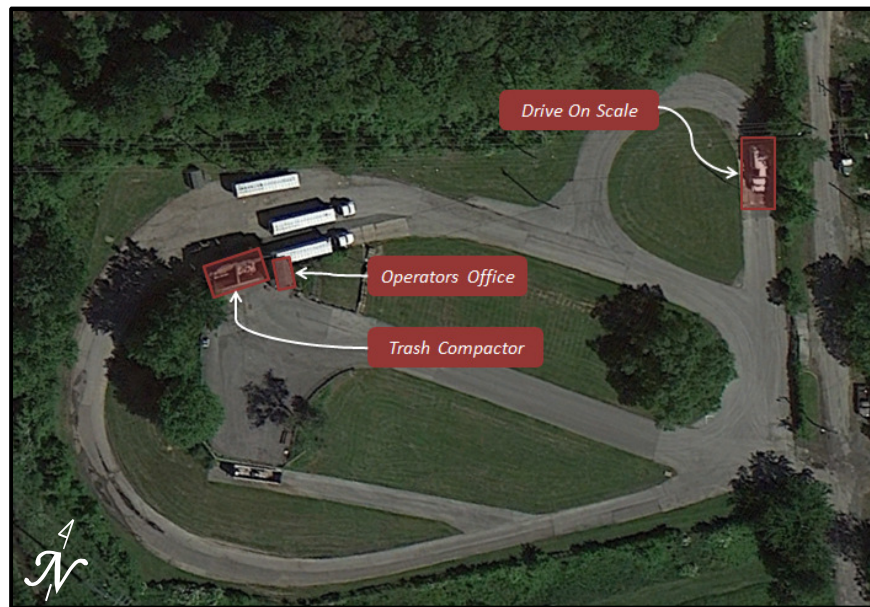


Figure 2.2: Equipment Location

i. Drive-On Scale

Located in the eastern section of the transfer station, the drive-on scale weighed tractor trailers to ensure compliance with State regulations on weight restrictions. Located at-grade for ease of entrance and exit for trucks, the working components of the scale extend into a six feet deep concrete pit. The demolition contractor will dispose of all of the scale components, such as the drive on slab, pistons, electrical equipment, and steel substructure. To prevent future settlement, the concrete pit will be filled with AASHTO #57 to one foot below finished grade. Before the pit is filled with stone, approximately ten, two inch diameter holes will be drilled into the bottom of the pit to reduce hydrostatic pressure and prevent uplifting of the structure.

ii. Trash Compactor

The trash compactor, which consists of a steel superstructure, hopper, and hydraulic ram, will be completely removed. Prior to demolition of the trash compactor, the demolition contractor will drain all hydraulic fluid and properly dispose of oil and hoses.

iii. Operators Office

An 8-foot by 16-foot shed located adjacent to the trash compactor, as shown in Figure 2.3, served as the office for the transfer station operators. This office consisted of filing cabinets, a desk, a toilet, and a means to escape the weather during periods of extreme heat and cold. Stored in the filing cabinets were log books, operation and maintenance manuals, as well as permits and drawings of the transfer station. As part of the closure of the transfer station, the operator's office will be demolished and disposed of at the landfill.



Figure 2.3: Operators Office and Trash Hopper

C. SITE FEATURES

In order to accommodate future use requirements of the site, existing features must be demolished and removed. These site features include portions of the guard rail system, sheet piling walls, and the asphalt roadways.

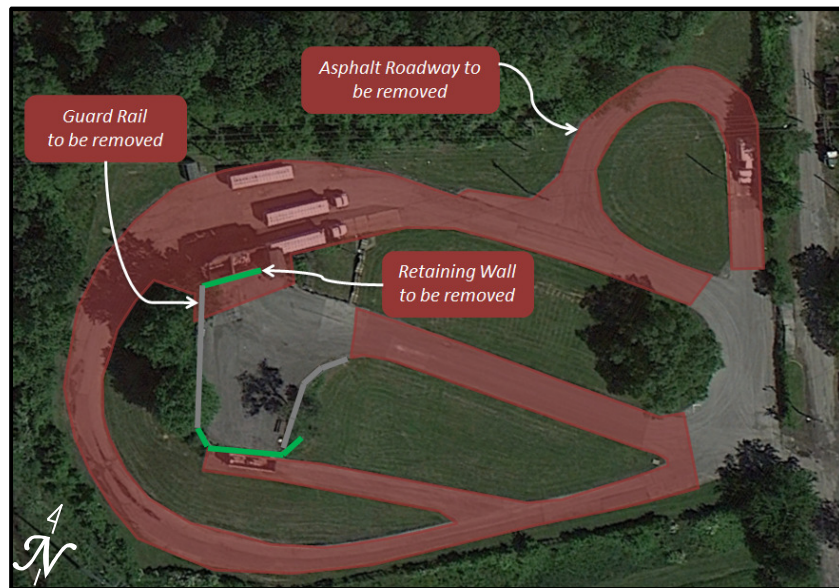


Figure 2.4: Site Features - Demolition

i. Asphalt Roadway

The majority of the asphalt roadways that traverse the site will be removed with the exception of the entrance area and portions of the elevated area as outlined in Figure 2.4. The entrance area will be kept under asphalt to provide an off street area for parking of cars, trucks, and equipment.

ii. Retaining Walls

To effectively transfer waste from the City's dump trucks to the compactor and metals recycling container, retaining walls were installed to elevate the dump site. The retaining walls are comprised of sheet metal driven into the ground to an unknown depth. Removal of the existing retaining wall at the compactor will terminate at approximately three feet below grade. The south retaining wall will remain in place to maintain the elevated area and reduce demolition costs. A photograph of the southern retaining wall is presented in Figure 2.5.



Figure 2.5: Southern Retaining Wall

iii. Guard Rails

Guard rails were installed to keep trucks from driving over steep drop off edges around the dumping area. The demolition contractor will remove the portions of the guard rail shown in Figure 2.4.

D. GRADING

After the utilities have been disconnected; the equipment and site features demolished; and all debris has been removed from the site, the final grading will occur. A portion of the elevated area will remain for future use and the rest of the site will be graded according to grading plan enclosed in the Demolition Plans and Specifications. Grading will ensure that storm water does not pond on the site, and the maximum slope proposed on the final site plan will be limited to three feet horizontal to one foot vertical.

E. EROSION AND SEDIMENTATION CONTROL

An Erosion and Sedimentation Control Plan (ES&C Plan) will be included as part of the demolition plans and specifications. The ES&C Plan will detail what controls and measures the contractor must follow to complete the demolition work. If necessary erosion and sedimentation control permits from DNREC will be acquired before demolition begins.

F. DEMOLITION PLANS AND SPECIFICATIONS

The City will prepare Demolition Plans and Specifications to execute the work outlined in this closure plan. A hazardous materials survey will be conducted to determine the absence or presence of asbestos or lead based paint. Should the survey conclude that hazardous materials are present, the specifications and plans will incorporate the proper techniques for demolition and disposal of discovered materials. Provisions in the project specifications will ensure that all demolition waste is disposed of properly before payment is made to the contractor.

Section 2 – Updated Closure Plan

II. CLOSURE COST ESTIMATE

As part of the solid waste management permit renewal process, DNREC notified the City of the requirement that the City have sufficient funds available to close the transfer station. In April 2004, the City and DNREC agreed that the City would store \$140,000 in reserve funds should the City decide to close the transfer station. Up until 2013 the City had no intention of closing the transfer station; therefore, the reserve fund for the closure of the transfer station was only adjusted to match inflation.

Based on the work described here in the City estimates the total cost for demolition of the transfer station to be approximately \$195,930. The cost estimate shown as Table 2.1 provides a more detailed breakdown of the total cost of closure of the transfer station. This cost estimate assumes that closure will take place in 2014 and that prevailing wages do not apply.

Table 2.1 – Updated Cost Estimate

Item Number	Item Description	Quantity	Unit	Unit Cost	Total
1	Utilities				
1A	Disconnect Power/Remove Utility Poles*	1	LS	\$0	\$0
1B	Disconnect Water Service*	1	LS	\$0	\$0
1C	Remove Storm/Sanitary Sewers	550	LF	\$10	\$5,500
2	Equipment				
2A	Demolition and Removal of Drive On Scale	1	LS	\$10,000	\$10,000
2B	Demolition and Removal of Trash Compactor	1	LS	\$45,000	\$45,000
2C	Demolition and Removal of Operators Office	1	LS	\$5,000	\$5,000
3	Site Features				
3A	Demolition and Removal of Asphalt Roadway	40,500	SF	\$0.75	\$30,075
3B	Demolition and Removal of Retaining Walls	70	LF	\$30	\$2,100
3C	Demolition and Removal of Guard Rails	30	LF	\$20	\$600
4	Grading				
4A	Site Grading (Maximum 3:1 Slopes)	1	LS	\$15,000	\$15,000
5	Erosion and Sedimentation Control				
5A	Install and Maintain E&S Measures	1	LS	\$30,000	\$30,000
6	Demolition Plans and Specifications				
6A	Bid Ready Document Preparation	1	LS	\$20,000	\$20,000
Sub-Total:					\$163,275
Contingency (20%):					\$32,655
Grand Total:					\$195,930

*Work to be completed by City of Newark personnel

Section 2 – Updated Closure Plan

III. POST CLOSURE CARE AND USE

As part of a larger state wide effort to reduce the amount of organic material sent to landfills, the City collects small tree branches, grass clippings, leaves and other organic materials from its residents. Currently, the City disposes of the organic material at yard waste center located off of Elkton Road, approximately ¼ mile east of the Delaware, Maryland Border. Due to the secluded location of the waste transfer site and its central location within the City limits, the City intends on converting the waste transfer site to a yard waste mulching center. The proposed yard waste mulching center will not be open to the public and will be entirely operated by City personnel.

The City leases the land used to house the waste transfer station from the University of Delaware. Before the City converts the site to a yard waste recycling center they will obtain permission to do so from the University. If the University does not allow the City to convert the trash transfer station to a yard waste recycling center, the City is unsure of what (if any) uses for the site after closure.

IV. CLOSURE SCHEDULE

The City anticipates demolition of the transfer station to begin in September 2014. This assumes a 45 day review and public comment period for the Closure Plan. While public comments are not anticipated, should any arise, the demolition of the transfer station may be pushed back to the end of 2014. Outlined below in Table 2.2 are the major milestones for the project tasks outlined in this closure plan. For a detailed project schedule, refer to Exhibit C.

Table 2.2 – Project Schedule – Major Milestones

TASKS	2014							
	May	June	July	August	September	October	November	December
Closure Plan Submission and Approval								
Demolition Drawings and Specifications								
Public Bidding & Construction								

EXHIBIT A

Closure Schedule

Solid Waste Transfer Station Closure Schedule

City of Newark, DE

ID	Task Name	4/21	May 2014			June 2014			July 2014			August 2014			September 2014			October 2014			November 2014			December 2014	
			5/1	5/11	5/21	6/1	6/11	6/21	7/1	7/11	7/21	8/1	8/11	8/21	9/1	9/11	9/21	10/1	10/11	10/21	11/1	11/11	11/21		12/1
1	Closure Plan Submission & Approval																								
2	Submit closure plan to DNREC for review																								
3	If necessary, revise closure plan per DNREC comments																								
4	Public comment period																								
5	DNREC approves updated closure plan & modifies SWM permit																								
6	Demolition Drawings and Specifications																								
7	Perform hazardous material survey																								
8	Create project drawings and specifications																								
9	Submit demolition plans and specifications to DNREC For review & approval																								
10	Public Bidding & Construction																								
11	Project advertisement																								
12	Project award and contractual agreements completed																								
13	Project construction																								

Project: Closure Schedule Date: Wed 4/30/14	Task		Project Summary		Inactive Milestone		Manual Summary Rollup		Deadline	
	Split		External Tasks		Inactive Summary		Manual Summary		Progress	
	Milestone		External Milestone		Manual Task		Start-only			
	Summary		Inactive Task		Duration-only		Finish-only			

APPENDIX A

Written Notification of Intent to Close



PUBLIC WORKS AND WATER RESOURCES DEPARTMENT

CITY OF NEWARK

220 South Main Street • Newark, Delaware 19711

(302) 366-7040 • Fax (302) 366-7098 • www.cityofnewarkde.us/publicworks

April 30, 2014

David Perrego
Senior Environmental Compliance Specialist
Department of Natural Resources & Environmental Control
Division of Waste & Hazardous Substances
Solid & Hazardous Waste Management Section
89 Kings Highway
Dover, DE 19901

RE: Transfer Station Closure Notice and Closure Plan

Dear Mr. Perrego:

Please consider this letter our "Notice of Closure" for the City of Newark Transfer Station on Old Chapel Road. Please find attached our updated Transfer Station Closure Plan for your review and approval. This is being submitted separately from the "Notice of Termination" to discontinue coverage of surface water discharge under the Industrial Storm Water Program that has been submitted to Ms. Jennifer Roushey in the DNREC Surface Water Discharge Section. Please see below the updated timeline for our plan to permanently close operations at the Transfer Station:

- | | |
|-------------------|---|
| • September 2013 | All Use of Transfer Station Discontinued for Solid Waste |
| • April 2014 | "Notice of Termination" submitted to DNREC Surface Water Discharge Section |
| • April 2014 | Closure Notice and Closure Plan submitted to DNREC Division of Waste & Hazardous Substances |
| • May 2014 | DNREC Division of Waste & Hazardous Substances Closure Plan Review |
| • June 2014 | Demolition Drawings and Specifications |
| • August-Nov 2014 | Public Bidding and Closure Demolition. |

If you have any questions or concerns, please do not hesitate to call me at (302) 366-7055 or by e-mail at tcoleman@newark.de.us.

Sincerely,

Thomas Coleman, PE
City of Newark
Public Works & Water Resources Director

APPENDIX B

Closure Plan Submission

Dated July 22, 2004



PUBLIC WORKS DEPARTMENT

CITY OF NEWARK

220 Elkton Road • P.O. Box 390 • Newark, Delaware 19715-0390

302-366-7040 • Fax 302-366-7160 • <http://newark.de.us>

SW-02.D

FILE COPY

July 22, 2004

Mr. David Perrego
Environmental Technician III, SHWMB
DNREC
Division of Air and Waste Management
89 Kings Highway
Dover, DE 19901

RECEIVED

JUL 29 2004

**SOLID & HAZARDOUS WASTE
MANAGEMENT BRANCH**

Reference: City of Newark Transfer Station Permit, SW-99/04

Dear Mr. Perrego:

I would like to thank you for taking the time to meet with me on July 13 to discuss the items on correspondence from Jamie H. Rutherford dated June 22, 2004. Per our discussions, Items No. 2 and No. 5 were deleted from the information required of the six items listed on that correspondence.

Attached please find three copies of the following:

1. A detailed Closure Plan
2. Appendix G of the Operations Plan elaborating on the method/procedure used to control odors with deodorizers.
3. The local government guarantee for closure.

As described in my phone message of July 21, and confirmed in your phone message of July 27, Item No. 4 of the June 22 correspondence was met with the previous submission and no further information is required.

We trust that the above and attached information meets the requirements of the Transfer Station Permit application and that our Transfer Station Permit will be processed and forthcoming.

Thank you for your assistance to the City of Newark in this application process

Yours very truly,

Richard M. Lapointe
Public Works Director

Attachment

RML: pfs

cc: Pat Bartling, Public Works Superintendent

CITY OF NEWARK TRANSFER STATION

DETAILED CLOSURE PLAN

FILE COPY

A. Removal of Compactor and Accessories

1. City Electric Department to disconnect power supply.
2. City to drain hydraulic fluid and dispose of.
3. City to remove office building and relocate.
4. City Water Department to disconnect water supply and sewer connection.
5. City to contract out demolition of compactor, structural and guard rail.

B. Removal of Scale.

1. City to contract out removal and disposal of scale and pit.

C. Removal of Roadway

1. City to install silt fence along perimeter of site.
2. City Public Works to strip and haul blacktop to recycler.

D. Remove: Concrete Apron and Compactor Foundation.

1. City to contract out this demolition and disposal.

E. Removal of Ramp

1. City to contract out the removal and hauling of ramp soil materials.
2. A portion of ramp soils will be used to fill scale excavation and will be stock piled to fill foundation/apron excavations and utility cuts.

F. Removal of Sheet Piling

1. City to excavate down two feet on each side of sheet piling.
2. Compactor demolition contractor to cut sheet piling two feet below grade and dispose of piling.

G. Removal of Utilities.

1. City Public Works to excavate underground utilities dispose of piping and fill trenches. Dead ends of utilities will be plugged with concrete.
2. City Electric to remove electric poles and overhead cable.

H. Remove Fence:

1. City to contract out removal and disposal of perimeter fence.

I. Final Grade Site, Seed and Mulch.

1. City Public Works to final grade site to provide positive drainage without ponding.
2. City Public Works to seed and mulch entire site.
3. City Public Works to remove silt fence after site stabilization is obtained.

City of Newark Transfer Station

Plan of Operations

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Appendix G	Odor Control Procedure	

compactor can be visually screened. If unacceptable waste is identified, our operator responds according to the waste identified.

1. If the unacceptable waste can be handled without direct threat to the health and safety of the operator, the operator will remove the waste from the compactor and notify the Public Works Superintendent for disposition.

2. If the operator notices hot coals or smoke, he investigates suspicious items and extinguishes hot items with extinguisher or water hose as necessary. If the problem is too severe to handle via these methods, he immediately notifies the City communication Center to report a fire followed by a call to the Public Works Superintendent.

3. If the unacceptable waste cannot be handled or removed without direct threat to the health or safety of the operator, he will contact the Public Works Superintendent. The Superintendent will investigate and make proper notification to the Public Works Director, and the Building Director (Emergency Response Coordinator). The Emergency Response Coordinator will make proper notification to DNREC at their Response Hotline 1-800-622-8802 for their direction and disposition

E. Salvaging And Scavenging

The City salvages metal, tires and white goods from normal household trash via scheduled bulk pickups on Wednesdays. All metals are placed in an open top trailer for transport to a metal recycler. All tires are stored at our garage until a sufficient quantity is available to take to recycle. All Freon containing white goods are separated, stored in the southwest corner of our elevated tipping area, and taken separately to landfill for Freon removal and recycling.

F. Litter & Odor Control

Off site litter is controlled via an 8 ft high chain link fence. The Operator picks up on site litter daily. Odor control is performed by using deodorizers specifically manufactured for this purpose (see Appendix G).

G. Access Control

Access control is performed by the Transfer Station Operator during normal work hours and by locked gate during non-business hours.

H. Operational Inspections

The Operator is responsible for all on-site inspections or documenting inspections by others. An inspection checklist is included in Appendix E.

Procedure Used to Control Odors with Deodorizer

The deodorant is a concentrated deodorant called Ultra Deo – Base, manufactured by Surco Tech of Pittsburgh, PA. This deodorant comes in 5 gallon buckets and is mixed with 50 gallons of water to provide 55 gallons of a highly dilutive deodorant. The City uses a cherry fragrance.

The Transfer Station Operator applies this deodorant as follows depending on different seasons of the year:

1. In the winter, the deodorant is rarely used unless odor control is a necessity.
2. In the early spring and late fall, the deodorizer is used as required to control odors.
3. In the summer , this deodorizer is applied each day after the daily Transfer Station cleaning which is completed after all trash has been removed.

This deodorizer is applied to the inside of the Transfer Station and compacter, on the concrete Transfer Station foundation where leachate and trash may fall during loading operations, and in the dumpster that is on site. All our refuse vehicles are on a 40-day maintenance schedule at which time our vehicle operators clean out the trucks and apply deodorizer to the beds prior to sending it to our maintenance division.

Our Transfer Station operator uses approximately 5 gallons of this deodorizer each day. He applies the deodorizer by pouring a portion of the 5 gallons in each location and then spreads the deodorizer throughout the area with use of a garden hose.

**LOCAL GOVERNMENT GUARANTEE FOR CLOSURE
TRANSFER STATIONS**

Guarantee made this July 23, 2004 by the City of Newark, a municipality incorporated under the laws of the State of Delaware, herein referred to as Guarantor, to the Department of Natural Resources and Environmental Control, an agency of the State of Delaware, obligee. This guarantee is made on behalf of the City of Newark, Newark Transfer Station, Old S. Chapel Street, to the State of Delaware, Department of Natural Resources and Environmental Control (DNREC).

Recitals:

1. Guarantor meets or exceeds the financial test criteria and agrees to comply with the reporting requirements for Guarantors as specified in the *Delaware Regulations Governing Solid Waste* (DRGSW), Section 4.A.11.e.
2. City of Newark owns or operates the following solid waste management facility covered by this guarantee: City of Newark, Newark Transfer Station, Old S. Chapel Street, Newark, Delaware.
3. "Closure plans" as used below refer to the plans maintained as required by the DRGSW section for the closure of facilities as identified above.
4. For value received from the Principal Debtor, Guarantor guarantees to DNREC that in the event that Principal Debtor fails to perform closure of the Facility in accordance with the closure plan, other permit or interim status requirements, and all other legal requirements for closure of solid waste facilities, then the Guarantor shall perform or pay a third party to perform closure of the Facility and all other legal requirements for closure of a solid waste facility; or the Guarantor shall establish a fully funded trust fund as specified in Section 4.A.11.b.(2) of the DRGSW, in the name of Principal Debtor in the amount of the current closure cost estimates as required by Section 4.A.11.c of the DRGSW.
5. Guarantor agrees that if, at the end of any fiscal year before termination of this guarantee, the Guarantor fails to meet the financial test criteria, Guarantor shall send within 90 days, by certified mail, notice to the Secretary of DNREC (Secretary), to the DNREC Solid and Hazardous Waste Management Branch that he intends to provide alternate financial assurance as specified in the DRGSW, in the name of the City of Newark. Within 120 days after the end of such fiscal year, the Guarantor shall establish such financial assurance unless the City of Newark has done so.
6. The Guarantor agrees to provide an updated financial test and supporting documents required by Section 4.A.11.b.(2)(f) of the DRGSW to DNREC annually, no later than 90 days after the close of the Guarantor's fiscal year. Supporting documents shall include as a minimum; Guarantor's Chief Financial Officer letter, accountant's opinion, and annual financial report. In the event that the CFO does not use financial test figures directly from the annual statements provided

to the Securities and Exchange Commission, supporting documents shall include a Special Report from an independent accountant approved by the DNREC.

7. The Guarantor agrees to notify the Secretary of the DNREC Solid and Hazardous Waste Management Branch of voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming Guarantor as debtor, within 10 days after commencement of the proceeding.

8. Guarantor agrees that if Guarantor no longer meets the financial test criteria or is otherwise disallowed by DNREC from providing this Guarantee, Guarantor, within 30 days after being notified by the Secretary of the DNREC Solid and Hazardous Waste Management Branch of a determination that Guarantor no longer meets the financial test criteria or that he is disallowed from continuing as a Guarantor of closure, he shall establish alternate financial assurance as specified in the DRGSW, as applicable, in the name of the City of Newark unless the City of Newark has done so.

9. Guarantor agrees to remain bound under this guarantee notwithstanding any or all of the following: amendment or modification of the closure, amendment or modification of the permit, the extension or reduction of the time of performance of closure, or any other modification or alteration of an obligation of the owner or operator pursuant to the DRGSW.

10. Guarantor agrees to remain bound under this guarantee for so long as the City of Newark must comply with the applicable financial assurance requirements of the DRGSW for the above-listed facilities, except as provided in paragraph 10 of this agreement.

11. Guarantor may send notice of intent to terminate this Guarantee, by certified mail to the Secretary of DNREC, the Solid & Hazardous Waste Management Branch, and to Principal Debtor, provided that this Guarantee shall not terminate unless and until Principal Debtor obtains, and the DNREC approves in its sole discretion, alternate closure financial assurance coverage complying with the DRGSW.

12. Guarantor expressly waives notice of acceptance of this guarantee by the Solid and Hazardous Waste Management Branch or by the City of Newark. Guarantor also expressly waives notice of amendments or modifications of the closure plan and of amendments or modifications of the facility permit(s) or modifications of other applicable law.

13. This Guarantee shall also bind successors of Guarantor.

14. This Guarantee shall be governed by the laws of the State of Delaware.

15. Guarantor acknowledges that the consideration received for making this Guarantee includes the benefit to Principal Debtor in complying or attempting to comply with the DRGSW. This Guarantee does not include any promise by or duty upon DNREC, and shall not be construed to require DNREC to take any action, issue any regulatory approvals or permits, or expend any funds. Nothing in this Guarantee shall be construed as a waiver of sovereign immunity or any other defense.

16. It is mutually understood that this Guarantee is to bind the party who signs it, whether it is or will be signed by the other party.

17. Guarantor's City Council agrees to all of the terms and conditions of this Guarantee and have so stated in the City of Newark Council Resolution as indicated by Council minutes, Item 17, 5-C Waste Transfer Station: Financial Guarantee; approved at April 26, 2004 Council Meeting (excerpt of minutes attached).

7/26/04
Effective Date

City of Newark
[Name of Guarantor]

[Signature]
[Authorized signature for Guarantor]

Carl F. Luff
[Name of person signing]

City Manager
[Title of person signing]

Attest:
[Signature]
Signature of witness or notary City Secretary

**CITY OF NEWARK
DELAWARE**

**COUNCIL MEETING MINUTES
April 26, 2004**

Those present at 7:30 p.m.:

Presiding: Mayor Vance A. Funk, III
District 3, Karl Kalbacher
District 4, David J. Athey
District 5, Frank J. Osborne
District 6, Kevin J. Vonck

Absent: District 1, John H. Farrell, IV
District 2, Jerry Clifton

Staff Members: Acting City Manager Carol Houck
Assistant to the City Manager Charles M. Zusag
City Solicitor Roger A. Akin
City Secretary Susan A. Lamblack
Planning Director Roy H. Lopata
Water & Waste Water Director Joseph A. Dombrowski
Public Works Director Richard M. Lapointe
Chief of Police Gerald T. Conway
Finance Director George L. Sarris
Assistant Planning Director Maureen Feeney Roser
Water Quality Engineer William Zimmerman

-
1. The meeting began with a moment of silent meditation and pledge to the flag.
 2. MOTION BY MR. OSBORNE, SECONDED BY MR. ATHEY: THAT ITEM 2-B, ORGANIZATION MEETING OF APRIL 20, 2004 AND ITEM 9-A-1, RESOLUTION NO. 04-__: SUPPORTING THOSE DELAWAREANS WORKING TO SECURE THE PURCHASE OF A PORTION OF THE INLAND BAYS BY THE STATE OF DELAWARE, BE ADDED TO THE AGENDA.

MOTION PASSED UNANIMOUSLY. VOTE: 5 to 0.

Aye – Athey, Kalbacher, Funk, Osborne, Vonck.
Nay – 0.
Absent – Clifton, Farrell.

3. **2. CITY SECRETARY'S MINUTES FOR COUNCIL APPROVAL:**
 - A. Regular Council Meeting of March 22, 2004

There being no additions or corrections to the minutes, they were

Aye – Athey, Kalbacher, Funk, Osborne, Vonck.
Nay – 0.
Absent – Clifton, Farrell.

17. 5-C. WASTE TRANSFER STATION: FINANCIAL GUARANTEE

Ms. Houck referred to Mr. Sarris' memorandum to the City Manager, dated March 14, 2004, wherein she explained that since the city's last state permit to operate the waste transfer station, the state has required financial assurance that we would have the funds available if, in fact, there was the need to close this operation. The city has no intention of closing it at this time.

The city has capital reserves totaling \$104,170 and the Public Works Director estimated that the cost for closure (if it were to happen) would be approximately \$140,000. For the next four years the city planned to add \$10,000 to this reserve and DNREC has accepted that assurance. Therefore, she recommended that Council authorize the City Manager to execute the guarantee on their behalf.

MOTION BY MR. OSBORNE, SECONDED BY MR. VONCK: THAT COUNCIL AUTHORIZE THE CITY MANAGER TO EXECUTE THE GUARANTEE TO DNREC.

MOTION PASSED UNANIMOUSLY. VOTE: 5 to 0.

Aye – Athey, Kalbacher, Funk, Osborne, Vonck.
Nay – 0.
Absent – Clifton, Farrell.

Mr. Funk noted that one of the things staff would be looking into was amending the City Charter to allow the city to enter into contracts under \$25,000. The current limit was \$10,000. He explained that would improve the sufficiency of the city and make it less onerous on the staff.

18. 6. ORDINANCES FOR SECOND READING & PUBLIC HEARING:

- A. Bill 04-05 - An Ordinance Amending the Zoning Map of the City of Newark, By Rezoning from UN/RR (University/Row or Townhouse) to AC (Adult Community) the 15.6942 Parcel Located at the West End of Whitechapel Drive & East of the Library Avenue Northeast Corridor Railroad Right-of-Way Overpass.

Ms. Lamblack read Bill 04-05 by title only.

MOTION BY MR. OSBORNE, SECONDED BY MR. ATHEY: THAT THIS BE THE SECOND READING AND FINAL PASSAGE OF BILL 04-05.

Bob Ruggio, representing the Commonwealth Group, gave a brief presentation on the proposed project for this location. They like this particular location mainly because of the assisted living unit in the area and the Newark Senior Center which will be their neighbors at this site.

APPENDIX C

Transfer Station Closure Schedule Letter Dated November 14, 2013



PUBLIC WORKS AND WATER RESOURCES DEPARTMENT

CITY OF NEWARK
220 South Main Street • Newark, Delaware 19711

(302) 366-7040 • Fax (302) 366-7160 • www.cityofnewarkde.us

November 14, 2013

Sandra Goodrow
Environmental Scientist IV
DE Department of Natural Resources and Environmental Control
Division of Water
Surface Water Discharges Section
89 Kings Highway
Dover, DE 19901

RE: Transfer Station Closure Schedule

Dear Ms. Goodrow:

As requested in your October 2, 2013 letter, we are sending a certification, and a timeline for our plan to permanently close operations at the Transfer Station:

- September 2013 All Use of the Transfer Station Discontinued for Solid Waste
- November 2013 Request for Quotation Bids Due for the Metals Recycling Contract
- December 2013 Discontinue Metals Transfer at the Transfer Station
- April 2014 Submit Closure Notice to DNREC
- July 2014 Begin Closure Demolition

In accordance with the conversation between Tim Filasky, Tom Coleman, Sandra Goodrow, Jennifer Roushey, and Kelley Dinsmore on September 11, 2013, regarding operations at the City of Newark Transfer Station, I hereby certify that all stormwater generated from the industrial operations portion of the Transfer Station site discharges into the Sanitary Sewer.

Roy Simonson, PE
City of Newark
Public Works & Water Resources Director

A Council-Manager City
Committed to Service Excellence